

REMARKS/ARGUMENTS

The Examiner is thanked for the Office Action mailed August 18, 2009. The status of the application is as follows:

- Claims 1-20 are pending, claims 1-2, 5 and 11-12 have been amended, and claims 13-20 have been added;
- Claim 12 is rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter;
- Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Ching-Ming (US 5,671,263);
- Claims 8 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ching-Ming in view of Oikawa (US 2002/0037068 A1); and
- Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ching-Ming in view of Hernandez (US 5,148,032).

The rejections are discussed below.

Claim Informalities

Claim 2 has been amended for informalities and the amendments do not address issues of patentability.

The Rejection of Claim 12 under 35 U.S.C. 101

Claim 12 stands rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Claim 12 has been amended as suggested by the Examiner to recite statutory subject matter, rendering the foregoing rejection thereto moot.

The Rejection of Claims 1-7 under 35 U.S.C. 102(b)

Claims 1-7 stand rejected under 35 U.S.C. 102(b) as being anticipated by Ching-Ming. This rejection should be withdrawn because Ching-Ming does not teach each and every element as set forth in the subject claims and, therefore, does not anticipate claims 1-7.

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987). MPEP §2131.

Amended independent **claim 1** is directed to a method including, *inter alia*, selecting projection data corresponding to a first ray and a second ray from a projection data set, wherein **the first and second rays are diametrically opposed rays passing through a same object point**. Ching-Ming does not teach or suggest at least the emphasized claim aspect.

The Office asserts that Ching-Ming teaches at col. 9, lines 25-36, that the first ray and the second ray are opposite rays passing through a single object point. Claim 1 has been amended to clarify that the first ray and second ray are diametrically opposed rays passing through a same object point. Ching-Ming does not teach or suggest this claim aspect. Instead, the above cited section of Ching-Ming teaches opposite-adjacent rays with a central ray 710 (incident on detector 44:6) and two non-central rays 712 and 714 (incident on respective detectors 44:2, 44:3) and thus are not diametrically opposed rays as recited in claim 1. The central ray is offset from both of the other rays. Nor do the rays pass through a same object point as required by claim 1. Accordingly, this rejection should be withdrawn.

Amended **claim 5** depends from claim 1 and requires, *inter alia*, that the exact reconstruction algorithm uses projection data resulting from one of no more than half a revolution and three half revolutions of the source of radiation. The Office asserts that Ching-Ming discloses this claim aspect at col. 9, lines 12-15. Applicants respectfully disagree. Instead, the cited section of Ching-Ming teaches that the detector array can be shifted after one complete revolution of the X-ray source and detector for a second revolution for acquiring additional and different data than that acquired during the first revolution to provide ever denser data values. This section of Ching-Ming does not teach or suggest the above claim aspect. Accordingly, this rejection should be withdrawn.

Claims 2-4, 6-7 depend from claim 1 and are allowable at least by virtue of their dependencies.

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The Rejection of Claims 8 and 10-12 under 35 U.S.C. 103(a)

Claims 8 and 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ching-Ming in view of Oikawa. **Claims 8 and 10** depend from claim 1 and are allowable at least by virtue of their dependencies.

Amended independent **claims 11 and 12** recite claims aspects similar to those recited in claim 1. As such, the above discussion with respect to claim 1 applies *mutatis mutandis* to claims 11 and 12, and this rejection should be withdrawn.

The Rejection of Claim 9 under 35 U.S.C. 103(a)

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ching-Ming in view of Hernandez. **Claim 9** depends from claim 1 and is allowable at least by virtue of this dependency.

New Claims 13-20

Newly added claims 13-20 emphasize various aspects. No new matter has been added. These aspects are absent from the art of record. With respect to claim 19, Ching-Ming teaches at col. 9, lines 25-36, that the central ray 710 and the two non-central rays 712 and 714 are opposite adjacent rays. Entry and allowance of claims 13-20 is respectfully requested.

Conclusion

In view of the foregoing, it is submitted that the claims distinguish patentably and non-obviously over the prior art of record. An early indication of allowability is earnestly solicited.

Respectfully submitted,

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